20.25E.070 Specific Use Regulations

A. Purpose. This section contains requirements and standards that apply to specific uses and development in the Shoreline Overlay District. These requirements and standards are in addition to the procedures, permit requirements, and standards set forth in other sections of the Bellevue SMP.

B. Aquaculture

Comment [dp1]: Bellevue Specific Approach. Sections modeled after the Renton SMP. **WAC**: 173-26-241(3)(b)

1. When Allowed. An aquaculture use is allowed only when developed as part of fish recovery program sponsored, developed, and overseen by a government entity or tribe.

2. Performance Standards. When an aquaculture use is permitted, it shall be done with minimum disturbance to shoreline resources and shall comply with the requirements of LUC 20.25H.055 in addition to all of the following performance standards:

a. When development of an aquaculture use is permitted, the structures shall be designed to minimally interfere with water quality and flow, fish circulation, and aquatic plant life. Construction of aquaculture structures shall be done with minimum disturbance to the existing shoreline.

b. Water discharged or released from an aquaculture projects shall not adversely affect water quality, and shall be designed to minimize interference with water quantity and flow, fish circulation, and aquatic plant life. Construction of aquaculture structures shall be done with minimum disturbance to the existing shoreline;

c. No structure which might reasonably hinder the passage of anadromous fish shall be permitted;

d. Aquaculture projects shall be developed in a way which does not have a significant adverse affect on the aesthetic quality of the shoreline;

e. Aquaculture projects shall, to the extent feasible, use underwater structures for fish-rearing facilities;

f. Project proponents shall obtain all required state and federal permits necessary to develop and operate the aquaculture use;

g. Aquaculture projects shall not prohibit or restrict other uses of the water, such as swimming and/or boating;

h. Aquaculture projects must be set back appropriate distances necessary from other shoreline uses to avoid potential conflicts;

i. Discontinued aquaculture uses must be removed within a reasonable time, and project areas shall be inspected for impact and restoration actions necessary to appropriately abandon the use; and

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j. Aquaculture uses shall submit for review and approval an operations and management plan that includes the following:

i. Action plans to effectively manage operation byproducts with the goal of protecting water quality;
ii. Operations plans for the management and maintenance of structures and facilities in a manner that demonstrates prevention of conflict with adjacent uses;
iii. Contingency plan that addresses unplanned degradation of water quality, introduction of foreign species, and emergency operation shutdown; and
iv. Additional elements as deemed necessary by the Director to ensure that operations and management of the aquaculture use are consistent with the performance criteria of this paragraph and to ensure compliance with the Bellevue SMP.

3. No Net Loss Required. An aquaculture use shall not be permitted in areas where it would result in a net loss of ecological functions, and shall be designed and located to prevent the spread of disease to native aquatic life, and the establishment of non-native species.

C. Recreation

Comment [dp2]: Bellevue Specific Approach. WAC: 173-26-241(3)(i)

1. Applicability. The following provisions apply to uses and development associated with private marinas, public marinas, yacht clubs, community clubs, private parks, and city parks as defined in LUC 20.25E.280 and Chapter 20.50 LUC (Definitions). For the purpose of this section, these uses are referred to collectively as "recreation facility" or "recreational facilities." Where there are also critical areas present, this section applies in addition to the performance standards set forth in LUC 20.25H.055 (Critical Areas Overlay District).
2. General Requirements Applicable to all Recreational Facilities.

a. Routine Maintenance and Repair. Routine maintenance and repair associated with existing recreational facilities is allowed. "Routine Maintenance" includes those usual acts to prevent decline, lapse, or cessation of the existing recreational facility. "Routine Repair" includes in-kind restoration to a state comparable to its original conditional within a reasonable period after decay has occurred. Improvements meeting the definition of a minor expansion are not considered maintenance or repair. Improvements not meeting the definition of routine maintenance and repair or minor expansions shall be shall be processed as new or expanded recreational facility.

b. Minor Expansions. Minor expansion of existing recreational facilities is allowed. "Minor Expansion" includes enlargement of gross square footage, impervious surfaces, permanent disturbance, structural lot coverage, or overwater coverage associated with the recreation facility, individually or in combination, by not more than 20 percent. Improvements not meeting the

definition of routine maintenance and repair or minor expansions shall be processed as new or expanded recreational facilities.

c. Work associated with recreational facilities shall be consistent with all applicable City of Bellevue codes and standards.

d. Dimensional Requirements. Dimensional requirements contained in LUC 20.25E.050.A apply to recreational uses and development, except as modified by paragraphs C.2.e.i through C.2.e.iv of this section.

i. Modification of Shoreline Setbacks. Applications to modify the shoreline setback between 50 feet and 25 feet landward of the ordinary high water mark may be processed pursuant to LUC 20.25E.160.E (Special Shorelines Report). Applications to modify the shoreline setback between 25 feet landward of the ordinary high water mark and the ordinary high water mark shall only be allowed pursuant to LUC 20.25E.190 (Shoreline Variance).

ii. Shoreline Setbacks—Allowed Development. Only the following recreational uses and development, in addition to equipment necessary for safety, such as a lifeguard chair, are allowed in the shoreline setback:

(1) Accessory Structures: See LUC 20.25E.080.C.3.f

(2) Overwater Structures: See LUC 20.25E.080.C.3.g

(3) Shoreline Promenades: See LUC 20.25E.080.C.3.h

(4) Recreational Trails: See LUC 20.25E.080.C.3.i.

(5) Recreational Signage: See LUC 20.25E.060.J.

iii. Pervious and Impervious Surfaces - Limitations. Pervious surfaces, and when allowed impervious surfaces, associated with recreational facilities, including trails, shall be the minimum necessary to support the intended function of the recreational use, and in no event shall the total amount of pervious or impervious surfaces exceed 30% of the required shoreline setback. Impervious surfaces when allowed in the shoreline setback count towards the total maximum allowed impervious surface limit set forth in LUC 20.25E.050.A (Dimensional Requirements in the Shoreline Jurisdiction).

iv. Recreation Facility–Relationship to Residential Development. Public and Community recreation buildings or clubhouses, except structures used for moorage, storage, or other accessory uses, shall have a minimum side setback of 50 feet from adjacent residential development.

e. All utility and service lines located landward of the ordinary high water mark shall be underground, where feasible.

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f. Clearing of vegetation shall be the minimum necessary for infrastructure maintenance and public safety.

g. Areas of new permanent disturbance and all areas of temporary disturbance shall be mitigated and/or restored pursuant to a mitigation and/or restoration plan meeting the requirements of LUC 20.25E.060.D.

3. New or Expanded Recreational Facilities.

a. Permit Required. New or expanded recreational facilities are permitted in the Shoreline Overlay District pursuant to the process identified in LUC 20.25E.030 (Shoreline Use Charts).

b. Decision Criteria Applicable to all New or Expanded Recreational Facilities. The City shall consider the following criteria when deciding whether to approve or approve with conditions, an application for a new or expanded recreational facility in the shoreline jurisdiction.

i. Priority of Use. The proposed recreational use or development is water dependent, subordinate to a water dependent use, bears a substantial relationship to the shoreline (water oriented), or provides the public physical or visual access to the shoreline;

ii. Non-Water Related Recreation. Non-water-related recreation facilities that support non-water related, high-intensity activities, such as basketball and tennis courts, baseball and soccer fields, and skate parks, shall be located outside of shoreline jurisdiction when feasible, or when located within shoreline jurisdiction as far from the water as possible;

iii. Scale and Intensity. The scale and intensity of the proposed use is appropriate when considering the size, location, and physical characteristics of the site; and

iv. Separation by Design. The use or activity is adequately screened and separated from adjacent uses and provides sufficient landscaping and is designed and located to minimize adverse affects on existing public and private use of waters of the state.

c. Design Criteria Applicable to all New or Expanded Recreational Facilities. Design and siting of new or expanded recreational facilities shall consider and address, at a minimum, the following:

i. The design should be the minimum necessary to fulfill the intended function of the proposed recreational facility.

ii. The design should consider surrounding vegetation, topography, street patterns, parking configuration and building massing to result in a compatible fit between the proposed recreational facility and existing residential development.

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iii. The proposed recreational facility should be designed so that its construction and operation does not degrade natural systems and functions.

iv. Building surfaces facing abutting residential districts should be clad with materials which are similar to or compatible with the surrounding environment and uses, and that minimize reflected lighting.

v. Building facades should incorporate elements such as stepbacks, offsets, angled facets, deep roof overhangs, recesses and other architectural features which serve to break down the scale. The larger the building, the greater the number and variety of such elements that may be necessary to achieve the effect of diminishing scale.

vi. Materials and colors used on the building facades should be compatible with nearby residential buildings and the surrounding natural environment; however, colors and materials used for the purpose of accent may be approved.

vii. Pitched roof forms are preferred to enhance the compatibility with nearby residential areas. However, under certain circumstances, a stepped roof form could be used to achieve a similar effect.

viii. Loading and refuse collection areas should be on the side of a building facing away from an abutting residential district of a lower intensity, but not in a front yard setback or within the shoreline setback.

d. General Performance Standards Applicable to New and Expanded Recreational Facilities. In addition to the general requirements in paragraphs C.2 and C.3 of this section, the following performance standards apply to applications for new and expanded recreational facilities.

i. Shoreline Stabilization. Recreational facilities shall be designed to avoid the need for stabilization. When shoreline stabilization is required, stabilization measures shall conform to LUC 20.25E.080.F (Shoreline Stabilization).

ii. Public Access. New or expanded recreational facilities shall provide public access to the shoreline in accordance with LUC 20.25E. 060.I (Public Access).

iii. Screening of Parking. Surface parking lots shall be screened from street level views and from ground level views of an abutting residential district by using berms, hedges, walls, or combinations thereof. Surface parking lots should be located away from adjacent residential properties and shall comply with the parking standards contained in LUC 20.25E.060.H (Accessory Parking, Loading Spaces and Maintenance Access). Site features such as fences,

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walls, refuse enclosures, light fixtures, carports and storage units shall be integrated with the architectural design of the primary structure.

iv. All refuse and recycling containers shall be contained within structures enclosed on all four sides and utilize lids made of molded plastic or other sound buffering material.

v. Rooftop mechanical equipment shall be incorporated into the roof form, and shall not appear as a separate penthouse or box. Rooftop mechanical equipment may not exceed the maximum building height established in LUC 20.25E.050.A (Shoreline Dimensional Requirements).

e. New and Expanded Marinas, Yacht Clubs, and Community Clubs – Use Specific Performance Standards. All new and expanded Marinas, Yacht Clubs, and Community Clubs shall comply with the general requirements set forth in paragraphs C.2 and C.3.a through C.3.d of this section and the following use specific performance standards:

i. Separation Landscaping. New or expanded private marinas located on sites abutting residential land use districts (refer to LUC 20.10.200), shall provide a dense landscaped buffer, at least 20 feet in width, and including at least 50 percent native species along the entire street frontage abutting the residential district. All significant trees within the landscape buffer area shall be retained. Site development should maximize the retention of existing significant vegetation in order to soften the visual impact on adjacent residential uses.

ii. New or expanded marina facilities shall be designed to preclude moorage in locations that would have insufficient water depth to avoid boats resting at any time of year on the substrate of the lake and in areas, and where deep water access can be only obtained with excavation, filling, and dredging.

iii. Boat Repair Facilities. Except for marinas with a valid Boat Yard General NPDES Permit issued by the Washington State Department of Ecology, the following standards apply to vessel maintenance areas:

(1) Maintenance areas shall be sited as far from the water as is practicable, and shall be designed so that all maintenance activities that are potential sources of water or air pollution can be accomplished over dry land, under roof, and in a contained operation; and

(2) All drains from maintenance areas must lead to a sump, holding tank, or pump out facility from which the wastes can later be extracted for treatment and/or disposal by approved

methods. Drainage of maintenance areas directly into surface or groundwater shall not be allowed.

iv. Aboveground and underground fuel storage tank installations shall be located as far from the water's edge as possible while providing for appropriate separation from adjacent properties and uses, and shall comply with all State and/or local storage tank and fuel system delivery regulations.

v. No fuel storage facility or sanitary pump-out station holding tank shall be located over water.

vi. Fueling stations shall be designed and located to minimize queuing, reduce frequency of spills, and facilitate spill containment. For marina facilities located adjacent to a residential environment, no fueling or commercial launching facilities shall be located within 20 feet of a residential property line.

f. Accessory Structures in the Shoreline Setback – Development Specific Performance Standards. All applications for new accessory structures in the shoreline setback shall comply with the following limitations and development specific performance standards in addition to the general requirements set forth in paragraph C.2 and C.3.a through C.3.d of this section:

i. Accessory Structures--Limitations. One accessory structure, measuring less than 200 square feet and less than 15 feet high, which supports a water-dependant recreational use is allowed in the shoreline setback. Such an accessory structure may use or support emergency operations, such as housing emergency equipment and supplies associated with a swimming beach or dock or other water-dependent activity.

ii. Performance Standards. Applications for accessory structure shall comply with the following performance standards;

(1) The structure shall be located no closer than 10 feet landward from ordinary high water mark; and

(2) The area of shoreline setback impacted by the placement of the structure shall be mitigated by planting native vegetation in an equivalent area elsewhere in the setback on the recreational facility property.

g. Overwater Structures – Development Specific Performance Standards. All applications for new and expanded over-water structures shall comply with the following limitations and development specific performance standards in addition to the general requirements set forth in paragraph C.2 and C.3.a through C.3.d of this section:

i. Over-water Structures--Limitations. Over-water structures are allowed only for Yacht Clubs, Community Clubs, and Marinas or for

public recreation and public access facilities. Non-water-dependent commercial uses shall not be allowed over water, except where the use is appurtenant to and necessary to support water-dependent uses, such as fueling docks, restrooms, and boating-related retail services.

ii. Performance Standards. Applications for overwater structures, other than moorage, shall comply with the following performance standards:

(1) The structure shall provide an opportunity for substantial numbers of people to enjoy the shorelines of the state;

(2) The structure shall be publically accessible and provide opportunities for members of the public to approach the water's edge in areas where public access is limited because of the presence of sensitive ecological features;

(3) The structure shall be located as far a reasonably possible from a stream, public stormwater outfall, or adjacent to aquatic and wildlife habitat areas; and

(4) The structure shall be the minimum size necessary to support the intended recreation function.

h. Shoreline Promenades – Development Specific Performance Standards. All applications for new and expanded shoreline promenades shall comply with the following purpose and development specific performance standards in addition to the general requirements set forth in paragraph C.2 and C.3.a through C.3.d of this section:

i. Purpose. A shoreline promenade provides a continuous waterfront walkway generally parallel to the shoreline for the purpose of providing public recreation and water enjoyment uses. Promenades provide the public with physical and visual access to the shoreline and allow for separation of more intense activities from the water's edge. Promenades may also accommodate emergency and service vehicles. A shoreline promenade may only be developed in association with a Council-adopted master plan on public property.

ii. Performance Standards. Applications for Shoreline Promenades shall comply with the following performance standards:

(1) Location. A shoreline promenade shall be setback a minimum of 20 feet landward of the ordinary high water mark, except where the promenade provides direct access to a moorage facility, soft shoreline stabilization has been installed, or where a Shoreline Special Report, LUC 20.25E.160.E, is used to modify the dimensional limitations listed here.

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(2) Shoreline Special Report - Limitation. A Shoreline Special Report, LUC 20.25E.160.E, may only be used to modify the location limitations set forth in paragraph C.3.h.ii(1) of this section, when the proposed modification results in a net benefit to shoreline ecological functions.

(3) Public access. Promenades shall be designed to maximize public access and enjoyment of the water while protecting shoreline ecological functions.

(4) Design. Design of a shoreline promenade shall maximize visual interest through a meandering design, street furniture, public art, and other amenities and should be located in a manner which maximizes public access while not foreclosing the full range of soft stabilization and restoration techniques.

(5) Size. Within the shoreline setback, the width of the paved portion of the promenade may not exceed 20 feet except in nodes where street furniture, public art, or other amenities are planned.

(6) Materials. Promenades shall be designed with pervious surfaces except where their use is not technically feasible due to specific live load requirements necessary to safely accommodate emergency service vehicles or site soils are unsuitable.

(7) Lighting. If required, lighting shall be designed and installed to eliminate light pollution outside the corridor.

i. Recreational Trails – Development Specific Performance Standards. All applications for new or expanded, non-motorized recreational trails shall comply with the following performance standards must meet following standards in addition to the general requirements in paragraph C.2 and C.3.a through C.3.d of this section.

ii. Construction Type. Recreational trails shall be constructed of a soft-surface material or pervious, hard-surfaced material. Impervious surfaces are allowed when the surface is supported by a low-impact development practice as contained in the City's Engineering and Design Standards;

iii. Width. Trails shall be the minimum width necessary to accommodate the intended function or objective, but in no case shall the width exceed 10 feet;

iv. Location.

(1) Soft Surfaced Trails. Soft-surfaced trails may be located within the shoreline setback and may access the water edge to allow the public to view or touch the water's edge. The number of access points to the water shall be the minimum

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number necessary to provide the public access to the water while considering the function and planned use of the facility and protecting shoreline ecological functions.

(2) Hard-surfaced pervious trails. Hard-surfaced pervious trails may be located in the setback and may meander no closer than 15 feet from the ordinary high water mark, except that a hard-surfaced pervious path may be located closer than 15 feet to the ordinary high water mark to allow for access to a viewing facility.

(3) Impervious Surface Trails. Impervious surface trails shall be located as far away from the ordinary high water mark as feasible. In no event may an impervious surface trail be located closer than a minimum of 25 feet from the ordinary high water mark.

v. Trails shall be designed and located to avoid disturbance of significant trees and to limit disturbance of native understory vegetation and avoid disturbance of habitat used for salmonid rearing or spawning or by any species of local importance; and

vi. When critical areas are present in the shoreline setback, crossings over and penetrations into wetlands and stream riparian corridors shall be generally perpendicular to the critical area, and shall be accomplished by bridging or other technique designed to minimize critical area disturbance considering the entire trail segment and function.

4. Repair, Maintenance and Minor Expansion of Recreational Facilities.

a. Permit Required. Maintenance, repair and minor expansion activities are allowed subject to the permit requirements of LUC 20.25E.160 (Shoreline Substantial Development Permits).

b. Performance Standards. The applicant shall comply with the following performance standards in addition to the general requirements contained in paragraph C.2 of this section.

i. Maintenance and repair activities shall be the minimum necessary to restore the facility to its original design condition, function, and capacity.

ii. Maintenance, repair, and minor expansion activities shall be undertaken in a manner that would not preclude shoreline public access, consistent with the requirements contained in LUC 20.25E.060.I (Public Access).

iii. Materials used for maintenance, repair, and minor expansions may be similar to those used for the original construction. For material requirements related to over-water structures or moorage associated

with a recreational facility, see LUC 20.25E.080.E.3.C (Non-residential moorage).

iv. Maintenance and repair of accessory structures in the shoreline setback shall comply with repair standards set forth in LUC 20.25E.040 for nonconforming shoreline conditions. Minor expansions of accessory structures located in the shoreline setback are prohibited, except as consistent with the performance criteria of C.3.d and C.3.f

v. Where maintenance, repair, and minor expansion activities negatively impact the visual quality of the shoreline or surrounding neighborhood associated with the existing facility, screening and/or replacement landscaping shall be provided to maintain the shoreline aesthetic quality that existed before the activities were undertaken.

D. Transportation.

Comment [dp3]: Bellevue Specific Approach. WAC: 173-26-241(3)(k).

1. Applicability. This paragraph D applies to transportation uses and development located in the Shoreline Overlay District in addition to the provisions of Chapter 14.60 BCC (Transportation Development Code), Chapter 14.30 BCC (Right-of-Way Use Code); and Chapter 14.25 BCC (Vacation of Public Right-of-Way).

2. General Requirements Applicable to all Transportation Uses and Development.

a. Routine Maintenance and Repair. Routine maintenance and repair associated with existing transportation facilities and public rights-of-way is allowed. "Routine Maintenance" includes those usual acts to prevent decline, lapse, or cessation of the existing transportation facility or right-of-way. "Routine Repair" includes in-kind restoration to a state comparable to its original conditional within a reasonable period after decay has occurred. For the purpose of this section, repair and maintenance of developed rights-of-way includes removing and replacing improvements within the area of permanent disturbance and expansion of paved areas, provided the area of permanent disturbance outside the developed right-of-way is not expanded. Improvements meeting the definition of a minor expansion or a new transportation facility are not considered maintenance or repair.

b. Minor Expansion. Minor expansion of existing transportation facilities is allowed. "Minor expansion" includes enlargement of the permanent disturbance associated with the transportation facility to the edge of the unimproved right-of-way or existing corridor provided the area of permanent disturbance does not impact critical areas and critical area buffers and shoreline ecological functions are not adversely affected. Improvements not meeting the definition of routine maintenance and repair or of minor expansions shall be processed as new and expanded transportation facilities.

c. Transportation facilities must be located and designed to minimize negative aesthetic impacts upon shoreline areas and to avoid and minimize impacts to existing land uses, public shoreline views, public access, and the natural environment.

d. Transportation and utility facilities shall be required to the greatest extent feasible to make joint use of rights-of-way, and to consolidate crossings of water bodies to minimize adverse impacts to the shoreline.

e. Transportation facilities located in the shoreline jurisdiction shall be designed and maintained to prevent erosion and to permit the natural movement of surface water.

f. Clearing of vegetation within areas of permanent disturbance associated with transportation uses and development shall be the minimum necessary for infrastructure maintenance and public safety. The City shall give preference to mechanical means rather than the use of herbicides for the clearing of vegetation in the shoreline jurisdiction.

3. New and Expanded Transportation Uses and Development.

a. Permit Required. New and expanded transportation uses and development are permitted in the shoreline jurisdiction pursuant to the process identified in LUC 20.25E.030 (Shoreline Use Charts) and subject to showing that there is no technically feasible alternative with less impact on shoreline ecological functions, where required. (Refer to LUC 20.25E.060.C)

b. General Performance Standards applicable to all Transportation Uses and Development. All new or expanded transportation uses or development shall comply with the following general performance standards in addition to the general requirements contained in paragraph D.2 of this section and use and development-specific performance standards in paragraphs D.3.c through D.3.i of this section. Where critical areas are involved, the performance standards in this paragraph are in addition to those contained in LUC 20.25H.055.C.2.b (Critical Areas Overlay District).

i. Where required pursuant to LUC 20.25E.030 Transportation and Utilities Chart Note (2), an applicant shall demonstrate that no technically feasible alignment or location alternative with less impact exists for the proposed transportation use or development pursuant to the requirements contained in 20.25E.060.D. Transportation development that provides access to approved shoreline uses is not required to demonstrate that no technically feasible alternative exists.

ii. New or expanded transportation uses and development should be designed to minimize impacts to shoreline ecological functions. To minimize impacts, the design should locate facilities outside of critical areas and their buffers, aquatic areas and the shoreline setback, and habitat used by salmonids or by any species of local importance, except where no technically feasible alternative exists;

iii. Disturbance of shoreline features, including vegetation and soils, shall be minimized;

iv. Transportation uses and development within shoreline jurisdiction shall be designed with the minimum permanent disturbance feasible, and

walls and other design techniques shall be employed to minimize the impact on shoreline ecological functions;

v. Transportation uses and development shall be designed to provide frequent safe crossings for pedestrians and bicycles seeking access to public portions of the shoreline;

vi. Low impact development techniques should be used where feasible for transportation uses and development and related drainage system construction;

vii. Transportation uses and development shall be designed to fit the topography so that alterations to the natural site conditions will be minimized; and,

viii. Vegetation and trees installed in association with new and expanded transportation uses or development shall be selected and located so that they enhance public views of the water from the use or development to the maximum extent feasible.

c. Highway and Street Rights-of-Way. The following use-specific performance standards apply in addition to the general performance standards contained in paragraph D.3.b of this section.

i. New and expanded highway and street rights-of-way shall be designed to include public access amenities, such as benches or viewing areas and public sign systems, if an area is available for the improvement(s) and if there is a view or public access to the water from the area pursuant to the requirements contained in LUC 20.25E.060.I;

ii. New or expanded shoreline street ends shall incorporate public access or other public recreational opportunities consistent with the requirements contained in LUC 20.25E.060.I (Public Access); and,

iii. Shoreline street ends shall not be vacated, except in compliance with RCW 35.79.035, now or hereafter amended, and Chapter 14.35 BCC (Vacation of Public Right-of-Way).

d. Railroads. The following use-specific performance standards apply in addition to the general performance standards contained in paragraph .3.b of this section.

Comment [cd4]: Modeled after City of Seattle SMP. SMC 23.06.208.

i. New railroad tracks shall be permitted in the shoreline jurisdiction only if necessary to serve lots in the shoreline jurisdiction;

ii. Where possible, new railroads in the shoreline jurisdiction shall use existing highway or rail corridors;

iii. Existing railroad tracks may be expanded within existing rail corridor; and,

iv. All railroads shall provide means for the public to overcome the physical barrier created by the railroad and gain access to the shoreline.

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e. Pedestrian and Bicycle Facilities. Refer to LUC 20.25E.070.C.3.i (Specific Use Regulations – Recreation for performance standards applicable to standalone pedestrian and bicycle facilities that are not associated with street rights-of-way.

f. Bridges and Culverts Associated with Transportation Uses and Development. The following development-specific performance standards apply in addition to the general performance standards contained in paragraph D.3.b of this section.

   i. New and expanded bridges shall be designed to be the minimum necessary to support the intended use or development

   ii. New and expanded bridges and culverts shall be designed consistent with applicable performance standards contained in 20.25H.055C (Critical Areas Overlay District);

   iii. New and expanded bridges, excluding bridges associated with pedestrian and bicycle uses, shall include pedestrian amenities, such as benches or viewing areas and public sign systems, if an area is available for the improvement(s) and if there is a view or public access to the water from the area pursuant to the requirements contained in LUC 20.25E.060.I; and,

   iv. New or expanded bridges for pedestrian and bicycle uses shall comply with the recreational trail standards contained in LUC 20.25E.070.C.3.i.

g. Regional Light Rail Alignment: Bridges, Stations, and Associated Structures

   [To Be Determined]

h. Commercial Float Plane Terminals.

   i. General.

      (1) Helipads. Overwater helipads are prohibited in the shoreline jurisdiction.

      (2) Private Float Plane Use. Departures and landings of private float planes are not regulated under the Bellevue SMP. Moorage of private float planes must comply with the provisions contained in LUC 20.25E.080.F (Non-Residential Moorage).

   ii. Performance Standards. The following use-specific performance standards apply in addition to the general performance standards contained in paragraph D.3.b of this section, when siting, designing, and operating commercial float plane landing and moorage facilities.

      (1) The use shall be compatible with surrounding uses;

      (2) Taxiing patterns to be used by float planes shall minimize noise impacts on area residents and wildlife, and minimize interference with navigation and moorage; and

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(3) Float plane facilities and services shall comply with all applicable Bellevue codes, Federal Aviation Administration standards and requirements for fuel, oil spills, safety and firefighting equipment, noise, and pedestrian and swimming area separation, and applicable U.S. Army Corps of Engineers requirements.

i. Ferry Terminals.

Comment [cd5]: Modeled after the City of Kirkland SMP.

i. Performance Standards. The following use-specific performance standards apply in addition to the general performance standards contained in paragraph D.3.b of this section, when siting, designing, and operating ferry terminals.

(1) Ferry terminals shall be designed and located to minimize impacts to surrounding uses when constructing and operating the use;

(2) Associated structures supporting the ferry terminal, other than moorage for the ferry terminal, are prohibited over water;

(3) Equipment shall be stored within an enclosed structure;

(4) Facilities, equipment, and established procedures for the containment, recovery, and mitigation of spilled petroleum or hazardous materials shall be provided; and

(5) The City will make the determination if any parking and/or a passenger loading area will be required.

4. Maintenance, Repair and Minor Expansions.

a. Permit Required. Maintenance, repair and minor expansion activities are allowed subject to the permit requirements of LUC 20.25E.160 (Shoreline Substantial Development Permits).

b. Performance Standard. The applicant shall comply with the following performance standard in addition to the general requirements contained in paragraphs D.2 and D.3 of this section.

i. Maintenance, repair, and minor expansion activities shall be undertaken in a manner that would not preclude shoreline public access, consistent with the requirements contained in LUC 20.25E.060.I (Public Access).

ii. The nonconforming shoreline conditions provisions of LUC 20.25E.040 do not apply.

E. Utilities.

Comment [dp6]: Bellevue Specific Approach. WAC: 173-26-241(3)(l)

1. Applicability. The following provisions apply to utility systems and facilities in addition to the provisions of LUC 20.20.255 (Electrical Utility Facilities) 20.20.650 (Public Utilities – Design and performance standards).

2. General Requirements Applicable to all Utility Uses and Developments.

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a. Routine Maintenance and Repair. Routine maintenance and repair associated with existing utility facilities and systems is allowed. ”Routine Maintenance” includes those usual acts to prevent decline, lapse, or cessation of the existing utility. “Routine Repair” includes in-kind restoration to a state comparable to the original conditional within a reasonable period after decay has occurred. Improvements meeting the definition of a minor expansion or a new utility are not considered maintenance or repair.

b. Minor Expansions. Minor expansions of existing utility facilities and systems is allowed. “Minor Expansion” includes enlargement of the permanent disturbance associated with the utility facility or system by up to 20 percent when necessary to comply with a mandated code update, or to accommodate changes in technology or design, changes in maintenance practice, or minor increases in volume from the area served by the existing utility facility or system. Improvements not meeting the definition of routine maintenance and repair or of minor expansions shall be processed as new or expanded utilities.

c. Work associated with utility facilities and systems shall be consistent with all applicable City of Bellevue codes and standards.

d. Clearing of vegetation within utility corridors shall be the minimum necessary for infrastructure maintenance and public safety.

e. Areas of temporary disturbance and new permanent disturbance associated with a maintenance, repair, or minor expansion projects on an existing utility shall be minimized and mitigated, and/or restored to pre-project conditions pursuant to a mitigation and/or restoration plan meeting the requirements of LUC 20.25E.060.D (Mitigation Sequencing).

3. New and Expanded Utilities.

a. Permit Required. New and expanded utility systems and facilities are permitted in the shoreline jurisdiction pursuant to the process identified in 20.25E.030 (Shoreline Use Charts) only when there is no technically feasible alternative with less impact on shoreline ecological functions. (Refer to LUC 20.25E.060.C).

b. Performance Standards. Where an applicant demonstrates that no technically feasible alternative with less impact exists, then the applicant shall comply with the following performance standards. Where critical areas are involved, the performance standards in this paragraph are in addition to those contained in LUC 20.25H.055.C.2.b (Critical Areas Overlay District).

i. New or expanded utility systems and facilities shall be designed and aligned to minimize impacts to natural systems and features and shall minimize topographic modification.

ii. New or expanded utility systems and facilities shall be co-located underground and within existing or planned improved rights-of-way, driveways, and/or utility corridors whenever possible.

iii. New or expanded utility systems and facilities should be designed to minimize impacts to shoreline ecological functions. To minimize impacts, the design should locate systems and facilities outside of critical areas and their buffers, aquatic areas and the shoreline setback, except where no technically feasible alternative exists (refer to LUC 20.25E.060.C);

iv. Stormwater Outfalls and Discharge Points. New or expanded stormwater outfalls and discharge points shall meet the following standards:

(1) Any outfall or discharge point to the shoreline aquatic area shall be located landward of the ordinary high water mark in a manner that limits impact to existing native vegetation while providing appropriate protection against erosion and sedimentation. Where a location ordinary high water mark is required, outfall should discharge waterward of the littoral zone or further to protect nearshore habitat; and

(2) Any disturbed upland or aquatic areas shall be revegetated and enhanced with native plants and habitat features. (Refer Shoreline Handbook, now or as amended.)

v. Where the visual quality of the shoreline or surrounding neighborhood will be negatively impacted, new or expanded utility systems and facilities shall incorporate screening and landscaping sufficient to maintain the shoreline aesthetic quality and shall provide screening of facilities from the lake and adjacent properties in a manner that is compatible with the surrounding environment.

vi. New or expanded utilities shall incorporate shoreline public access, consistent with the requirement contained in LUC 20.25E.060.I, (Public Access).

vii. When feasible, stormwater conveyance and detention facilities shall be designed to incorporate native trees, shrubs and groundcover plants and, where applicable, native aquatic vegetation.

viii. Pipelines constructed under aquatic areas shall be composed of suitable materials which minimize potential future failures and failure impacts.

ix. When allowed, utility facilities located above ground shall be:

(1) Housed in a building that incorporates design features that are compatible with the character of the surrounding neighborhood or area, unless housing the facility in a

structure would fundamentally interfere with the maintenance and operation of the facility.

(2) Sight-screened, if the facility does not conform with the standards in paragraph E.3.b.ix.(1) of this section, with evergreen trees, shrubs, and other native landscaping materials planted in sufficient depth to form an effective sight barrier within five (5) years.

4. Maintenance, Repair, and Minor Expansions.

a. Permit Required. Maintenance, repair and minor expansion activities are allowed subject to the permit requirements of 20.25E.160 (Shoreline Substantial Development Permits).

b. Performance Standards. The applicant shall comply with the following performance standards.

i. Maintenance, repair, and minor expansion activities shall be undertaken in a manner that would not preclude shoreline public access, consistent with the requirement contained in LUC 20.25E.060.I (Public Access).

ii. Where maintenance, repair, and minor expansion activities negatively impact the visual quality of the shoreline or surrounding neighborhood associated with the existing facility, screening and/or replacement landscaping shall be provided to maintain the shoreline aesthetic quality that existed before the activities were undertaken.

iii. The nonconforming shoreline conditions provisions of LUC 20.25E.040 do not apply.

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